

Exhibit “A”

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1 Q. Okay. Was that your proudest work
2 accomplishment at that time?

3 A. That was my only work accomplishment there.
4 She didn't really give me anything of substance while
5 I was working there.

6 Q. Okay. What other job duties did you have?

7 A. For Penn?

8 Q. Yes.

9 A. At Penn I was supposed to be helping with
10 multi-disciplinary grants although she -- during the
11 whole summer, I think she only put out one. And I was
12 supposed to organize retreats, and that never
13 happened.

14 The only thing that, you know, she
15 really gave me was to do this chart. And, you know, I
16 told her that it was a big, cumbersome chart and I
17 could make it into something a lot more efficient.
18 And that's the only thing that I did there really
19 other than being sent out to have papers signed around
20 the campus.

21 She didn't really give me the work that
22 I would have been doing. I think it was partially
23 because it was really slow in the summer and there was
24 nothing. There's only, like, one grant deadline I
25 think July 1.

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1 Q. Okay.

2 A. So I helped a little bit with that but not
3 much.

4 Q. Okay. My question is: You had earlier told
5 us that the grant was not completed. There was work
6 that needed to be done.

7 A. I'm sorry? Grant?

8 Q. I apologize. My problem.
9 That the database you had prepared at
10 the medical school was not completed?

11 A. Right.

12 Q. So my question is why you would have recounted
13 that as your proudest accomplishment if it were not
14 completed.

15 A. She didn't let me complete it, but it was far
16 enough along that I had put three months of work into
17 it. It was a lot of work. I actually kind of have a
18 version of it on a thumb drive with me. It's a lot of
19 work.

20 If you've never built a database, I
21 can't really explain to you what's involved. They
22 look really simple, but they're not. That's all I can
23 tell you. If you were an IT person sitting here and
24 asking me -- you wouldn't ask me that question.
25 MS. KIVITZ: Would you mark that D-9,

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1 please (indicating).

2 (Whereupon the Reporter marked an
3 Employment Reference Check for the University of
4 Pennsylvania as Exhibit No. D-9 for identification.)
5 BY MS. KIVITZ:

6 Q. I'm showing you what has been marked D-9,
7 which was a reference check that you gave to Penn.
8 And do you see where you listed "Michael Ruggiero"?

9 A. What am I looking at here? This isn't my
10 handwriting. This is not my handwriting.

11 Q. Okay. Were you interviewed by Elizabeth Bien
12 April 21, '04?

13 A. I was interviewed by her for the job, yeah.

14 Q. Okay. Do you remember giving her information
15 concerning employment references?

16 A. Yeah. Michael -- I told her I didn't have a
17 lot of strong references because I'd been home with
18 the kids for twenty years. But I gave Michael as a
19 reference.

20 Q. Okay.

21 A. I don't know what this thing is but whatever.

22 Q. Did you tell her that Michael had been your
23 immediate supervisor at Wistar?

24 A. No. She wrote that. This isn't my writing.
25 I said I worked with him. He was a supervisor in the

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1 Accounting Department.

2 MS. KIVITZ: I'll ask that be marked
3 D-10 (indicating).

4 (Whereupon the Reporter marked a Cozen
5 O'Connor Application for Employment as Exhibit
6 No. D-10 for identification.)
7 BY MS. KIVITZ:

8 Q. All right. I'm handing you your Application
9 for Employment at Cozen O'Connor. You remember
10 telling us you had done some temp work there, correct?

11 A. Right.

12 Q. Okay. Can you go to Page 2, where it asks you
13 for your employment history?

14 A. Yes. Okay.

15 Q. Am I correct that you also represented to
16 Cozen O'Connor that the reason you left Penn School of
17 Medicine was because your position had changed?

18 A. Yes.

19 Q. And am I correct that you represented your
20 status at Checks 54th as manager/owner?

21 A. Yes.

22 Q. Do you also have an ownership interest in
23 Checks 54th?

24 A. I own a hundred percent of the shares of the
25 company, but I'm not an officer in the business.

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1 Q. Okay. And I take it that is a marital asset
2 then that is subject to distribution in your divorce
3 proceedings?

4 MR. JENNINGS: Objection to form.
5 THE WITNESS: Well, it's debatable.

6 BY MS. KIVITZ:

7 Q. Okay. You're taking the position that it is a
8 marital asset?

9 A. I would like it to be, but there is some
10 discussion over whether it is or not.

11 Q. Okay. And when you say you own a
12 hundred percent of the shares, you are the sole
13 shareholder --

14 A. No.

15 Q. -- or your husband is also a shareholder?

16 A. We're both a hundred percent shareholders.
17 There's only two stock certificates. They're both a
18 hundred percent. That's the way the attorney set it
19 up.

20 Q. Okay. As a passive shareholder, have you
21 received income from Checks 54th even when you don't
22 work there?

23 A. No.

24 Q. Did you receive any income from Checks 54th in
25 the year 2006?

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1 A. No.

2 Q. Dividends? Any type of benefit whatsoever?

3 A. No.

4 Q. What about rental income? Does your husband
5 own the building?

6 A. No, he does not.

7 Q. Now, I did notice on one of your tax returns
8 there was reference to, I thought, rental income?

9 A. Rent that he pays.

10 Q. Okay.

11 A. He pays rent. He doesn't collect rent. And
12 what you saw was probably a deduction for rent. He
13 gets a deduction from the government for rent or
14 depreciation or something. He doesn't own the
15 building. It's owned by Ron Freeman (phonetic).

16 Q. Okay. Now, for Wistar Institute, back to this
17 document, you indicated that your reason for moving
18 was that you had -- reason for leaving was that you
19 had moved; correct?

20 A. Where is this? For Penn?

21 Oh, for Wistar?

22 Q. Right.

23 A. Yeah.

24 Q. Okay. All right. Can you tell me when you
25 initially applied for your employment at the National

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1 Board?

2 A. I actually had applied before, and I was on my
3 way in for the interview, and they cancelled. And
4 they were, like, apologizing to me. I forget the
5 girl's name. She doesn't work there anymore.

6 And then the next time I applied, I
7 don't know if I re-applied or they just called me. I
8 can't remember. They said they had a position which
9 might become a temp to hire position. And I don't
10 remember the dates. It was sometime in 2005 maybe.

11 Q. Okay. And do you remember who you met with
12 first at National Board?

13 A. The first time I was there? I never made it
14 in for the first interview. I met with -- she's not
15 there anymore. She either quit or was fired. I'm
16 trying to remember her name. What was her name?

17 Miriam?

18 Q. Okay. Could that be Meredith?

19 A. Meredith. That's it.

20 Q. Okay. Did you see a job posting?

21 A. Where?

22 Q. At National Board.

23 In other words, what drew you to the
24 National Board of Medical Examiners?

25 A. Maybe I saw it on line possibly.

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1 Q. Okay.

2 A. I might have seen it on Career Builders or
3 Monster most likely.

4 Q. Okay. Do you recall being hired in September,
5 '05?

6 A. Yes.

7 Q. Okay.

8 A. September, '05, I was hired permanently, or
9 was it in December? I'm trying to remember. Yeah.
10 September I was hired as a temp, and then December
11 they made it permanent.

12 Q. Okay. Do you remember what your position was
13 in September, '05?

14 A. Yes. I was a Test Development Associate.

15 Q. And that was a temporary position?

16 A. Yes.

17 Q. Okay.

18 (Whereupon the Reporter marked a letter
19 dated September 21, 2005, to Diane Rosetsky from
20 Meredith Friedman, and attached Employee Innovation
21 and Proprietary Information Agreement as Exhibit
22 No. D-11 for identification.)

23 MR. JENNINGS: I'm going to object that
24 this document is not complete. The letter references
25 a number of attachments, only one of which is actually

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1 attached.

2 Actually before -- can we go off the
3 record for a second.

4 (Brief recess.)

5 MS. KIVITZ: Okay. Before we begin,
6 this memorializes the defense request for a copy of
7 any of the Domestic Relations pleadings insofar as
8 they relate to either a request for support or
9 alimony, the granting of support or alimony, or any
10 allegations concerning support, income, or earning
11 capacity.

12 MR. JENNINGS: I'll just make a request
13 that that be put in writing.

14 MS. KIVITZ: It is in writing.

15 MR. JENNINGS: Well, it's in a
16 transcript that I might not get for two and a half
17 weeks.

18 MS. KIVITZ: Sue, can you expedite just
19 that little portion of it and send it to both counsel?
20 Thank you.

21 BY MS. KIVITZ:

22 Q. Also before going further, Ms. Rosetsky, I
23 also saw something in one of the prior exhibits about
24 a course you had taken at Temple concerning
25 interpersonal relations. There was a reference to it,

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1 I think, in one of the Penn documents.

2 A. Oh, that was just a Will Smith thing that I
3 took. I was taking communications at Temple when I
4 was nineteen. Are you serious? This is from when I
5 was nineteen. I didn't take it for a reason. I just
6 took it because the course was there.

7 Q. Okay. And what was the course?

8 A. Oh, God. I think it was called -- it was
9 about, like, body movements and stuff of how when you
10 talk to people. It was a really interesting course.
11 This guy actually wrote a book, and I think I still
12 have the book. So I was just out of high school then,
13 so I don't quite remember. I'm going to be fifty next
14 month.

15 Q. Okay. When you were hired by the National
16 Board, how old were you?

17 A. Forty-eight.

18 Q. Okay. And if you know, how old was Kathy
19 Holtzman at the time?

20 A. I think Kathy -- she's seven years older than
21 me maybe. I'm not sure.

22 Q. Okay. If you know, how old was Barbara
23 Davidson at the time?

24 A. Barbara? She's older than me. I don't really
25 know. We didn't discuss our birthdays in detail.

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1 Q. Okay.

2 A. Or the year I mean.

3 Q. Okay. How many other people are you aware of
4 in whatever position that were over the age of forty
5 that worked with you? near you? around you?

6 A. There was Faith and Debbie, Faith Balsama and
7 Debbie Shelmire. They both started working there in
8 their forties. Who else? There really weren't that
9 many older women. Most everybody was younger than us,
10 you know, in their twenties and thirties that they
11 were hiring in.

12 There was one girl named Jackie. She
13 was hired by Krista, the young director that they
14 hired. And then she -- I heard that she either quit
15 or was fired. I don't know what happened with that.
16 I'm not sure how old Jackie was. She looked older,
17 but I never really asked her.

18 Q. How old was Dave Swanson, if you know?

19 A. Oh, Dave? He's the same age as Kathy, I
20 think. They're in their mid-fifties.

21 Q. What about Ron, if you know?

22 A. Ron Nungster? How old is Ron? He looks like
23 he might be in his -- you should know. In his
24 sixties? How old is Ron? You worked with him. Okay.
25 I have no idea. I don't know him that well.

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1 Q. Okay. Referring your attention back to the
2 exhibit, which is a portion of the letter and a
3 portion of the documents that you received from
4 National Board when you were hired, do you recall
5 receiving this letter from Meredith Friedman?

6 A. This letter, yeah.

7 Q. Okay. Do you recall signing the Employee
8 Innovation and Proprietary Information Agreement?

9 A. I see I signed it.

10 Q. Okay. And what did that Agreement mean to
11 you?

12 A. It looks like some kind of nondisclosure
13 agreement for anything that, you know, was invented
14 there. That's what it looks like. Of course, the
15 test questions are, you know, supposed to be
16 confidential, whatever. That's it.

17 Q. Okay. Do you see the portion "Documents,
18 Memoranda, and Notes"?

19 A. "Documents, Memoranda, and Notes"?

20 Q. Yes. What did that mean to you?

21 A. It just meant that all notes, records,
22 reports, programs, and unpublished documents belonging
23 to -- I'm just reading it. I just means that, you
24 know, anything that I had at the Board, records or
25 anything, were to be given back to the Board.

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1 Q. Okay. Did you remove any items, documents,
2 memoranda, notes, or e-mails upon your departure?
3 A. Did I remove them upon my departure? No. I
4 was not allowed back into my office to get anything.
5 Q. Did you remove any such documents, memoranda,
6 notes, or e-mails prior to your departure?
7 A. I don't understand the question.
8 Q. Did you take any --
9 A. What you do mean "remove"? Did I pick them up
10 and take them? No.
11 Q. What did you do?
12 MR. JENNINGS: Objection to form.
13 You can answer if you can.
14 THE WITNESS: I don't have anything --
15 notes, records, reports, or unpublished documents that
16 belonged to the NBME other than what they gave me to
17 take home, my employee book. Things like that.
18 BY MS. KIVITZ:
19 Q. What about e-mails?
20 A. E-mails? I have -- do I have e-mails from
21 NBME? Yes, that people sent. Yes.
22 Q. Okay. And how did you go about reproducing
23 them?
24 A. Reproducing e-mails? You mean reproducing
25 them for whom?

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1 Q. When did you remove them?
2 A. I didn't remove them. I forwarded some of my
3 e-mails to myself.
4 Q. Okay. And did you also forward other's
5 e-mails to you?
6 MR. JENNINGS: Objection to form.
7 THE WITNESS: Other's e-mails to me?
8 BY MS. KIVITZ:
9 Q. To you?
10 A. You mean like things from Barbara Davidson?
11 Q. People from the NBME.
12 A. Yes. They were mine. Yes. Addressed to me,
13 yes.
14 Q. Okay. And where did you forward them?
15 A. To my house.
16 Q. And when did you forward them?
17 A. While I worked there so I could read things
18 from home. I did some work from home.
19 Q. Did you forward them for any other reason?
20 A. For my records.
21 Q. Okay. And when did you begin to forward
22 documents for your records?
23 A. The whole time I was there. If it was
24 something that I needed maybe to work from at home or
25 whatever, I would forward it to myself. Or if I had

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1 to remind myself to do something the next day, I would
2 forward it to myself.
3 Q. Okay. When was the first time you ever met
4 with Counsel, Mr. Jennings, in this matter? First
5 time ever? Not what you said to him or what he said
6 to you. Just the date?
7 A. I don't remember.
8 Q. Okay. How about the month?
9 A. I'm trying to remember. It might have been
10 January.
11 Q. Of what year?
12 A. Trying to remember. January, 2007. Could
13 have been December, 2006.
14 Q. Okay. Did you ever speak to him or any other
15 attorney while you were still employed by the National
16 Board of Medical Examiners?
17 A. No.
18 Q. Now, looking at Defense Exhibit 11 in front of
19 you, what did this language mean to you at the time
20 you were hired?
21 "We recognize that you retain the
22 option, as does NBME, of ending your
23 employment with the company at any time, with
24 or without notice and with or without cause.
25 As such, your employment with NBME is at-will,

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1 and neither this letter nor any other oral or
2 written representations may be considered a
3 contract."
4 A. What does that mean to me? Exactly what it
5 says.
6 Q. So you were aware that you were an at-will
7 employee; correct?
8 A. Yes.
9 Q. And "at-will" means what?
10 A. It means there's no contract.
11 Q. It means what?
12 A. There's no contract between us.
13 Q. Okay.
14 A. For a definite period of employment.
15 Q. Okay. Now, your original posting --
16 MS. KIVITZ: I'll ask that this be
17 marked (indicating).
18 (Whereupon the Reporter marked the
19 Position Editing Administration job description for
20 Test Development Associate I as Exhibit No. D-12 for
21 identification.)
22 BY MS. KIVITZ:
23 Q. All right. Do you recognize what D-12 is?
24 A. I'm not really sure whether this is the --
25 which one this is. There are several Test Development

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1 Associate positions on their Web site, and I can't
 2 tell you offhand if this is the one that was for the
 3 temporary position or for the full. I can't tell what
 4 this is from the way this is printed out.
 5 Q. Okay. Does this look familiar to you as if
 6 you've ever seen it?
 7 A. It looks -- some of it does.
 8 Q. Okay.
 9 A. This actually does not look like my position.
 10 If you're saying this is supposed to be my position,
 11 my position had a master's degree. This one says
 12 bachelor's degree. This is not my position if that's
 13 what you're trying to bring out.
 14 Q. All right. Are you saying that this is not
 15 the position -- the temporary position that was posted
 16 on August 24, '05?
 17 A. I have no idea. I couldn't tell you. I did
 18 not memorize the job description.
 19 Q. Okay.
 20 A. So I didn't know.
 21 Q. Okay. You don't recall what the job
 22 description or the role profile was for your original
 23 temporary work?
 24 A. It was called a "Test Development Associate."
 25 That I remember. And I didn't memorize the job

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1 description; so I really -- if I said to you that I
 2 knew that that is exactly what it was, I would be
 3 lying.
 4 Q. Okay. Would you look at those
 5 responsibilities?
 6 A. Yes.
 7 Q. Does it accurately describe some or all of the
 8 tasks that you were performing as a temporary Test
 9 Development Associate?
 10 MR. JENNINGS: Objection to form.
 11 THE WITNESS: No. Actually maybe one or
 12 two things on here I did, but most of this work I was
 13 never really given.
 14 BY MS. KIVITZ:
 15 Q. Okay. What would you say --
 16 A. "Assist with examination production;
 17 translation of items for international
 18 examinations, CBT, and Web-based exams."
 19 I was never given the opportunity to do
 20 that.
 21 Q. Okay. Let me just ask you this: What is the
 22 work you were given that is described on here?
 23 A. Creating and cataloging slides for
 24 presentations and workshops. I didn't really create
 25 them. I was cataloging them. She asked me to

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1 organize her slides for her.
 2 Q. Who is "she"?
 3 A. Kathy Holtzman.
 4 Q. Okay.
 5 A. And what else? Let's see here.
 6 Q. What else did you do as a temporary Test
 7 Development Associate?
 8 A. Not much. I kept her contracts. I kind of
 9 organized them for her. She could never find them; so
 10 she said, "Can you make me a system so I can find
 11 these?" So I made her a system which basically
 12 consisted of putting them in binders so she could find
 13 them.
 14 I did some typing for her, like fixing
 15 Excel charts. Nothing of substance. Oh, one thing
 16 that I did do that was pretty much in line with my
 17 skills was I created these -- with Microsoft Access I
 18 created registration sign-in databases where they --
 19 They used to just come in, and the
 20 doctors had to fill out their information on the piece
 21 of paper when they registered at workshops that they
 22 traveled to. And I made them a database where they
 23 had a laptop and the doctor's information. I would
 24 pre-load it, and then they would answer a
 25 questionnaire.

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1 And I built that for her. And each time
 2 they needed to go to a different place, I had to re-do
 3 the database to be in line with the school or the
 4 workshop that they were doing.
 5 Q. Okay. Anything else that you recall doing as
 6 a temp?
 7 A. As a temp just, you know, some clerical stuff.
 8 I don't remember. I mean, most of my time was taken
 9 up doing that because it's really time-consuming to
 10 build these databases. I mean, I did some other stuff
 11 for her.
 12 Q. What sort of clerical stuff? You said, "Some
 13 clerical stuff."
 14 A. There were these -- what are they called? --
 15 annual reports and things that they got, and I had to
 16 take them down to this massive drill press. And I
 17 spent hours down there, hole punching them to put them
 18 into binders. That's what she had me do.
 19 Q. Okay.
 20 A. And then I actually made her a way to see that
 21 the contracts were -- what phase they were in. I made
 22 her an Excel chart. I was going to make her a
 23 database, but she didn't want it. I made her an Excel
 24 chart to see where the contracts were at. I kept that
 25 updated for her.

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1 Q. Okay.

2 A. I'm trying to remember what else. I really

3 can't remember.

4 Q. Did you see anyone else ever performing

5 clerical activities?

6 A. "Anyone else ever performing clerical" -- I

7 don't understand that.

8 Q. Okay. Did you ever see Kathy Holtzman do

9 anything clerical?

10 A. No.

11 Q. Okay. Did you ever see Faith Balsama do

12 anything clerical?

13 A. Yes.

14 Q. What sort of stuff?

15 A. She used to go to the copy room and copy

16 things for them. Oh, and I did some of that too. I

17 did copying.

18 Q. Okay.

19 A. Dave used to give me things to copy. Oh, and

20 I did some stuff for Dave. I actually did a big thing

21 for Dave actually. I made his resume digital so that

22 he could find his three hundred or so publications. I

23 took his resume, and I made it hyperlinks on his

24 publications.

25 And then I scanned all of his hundreds

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1 of publications into Adobe. And then I made a link to

2 the Adobe file so that, when he wanted to find a

3 publication, he could just go to his resume, click on

4 it, and it would open up, and he could print it out.

5 Q. Did you ever see Dave do anything clerical?

6 A. No.

7 Q. Did you ever see Debbie Shelmire do anything

8 clerical?

9 A. Yeah. Me and Debbie used to hole punch

10 together sometimes.

11 Q. Did Kathy Holtzman have a secretary?

12 A. Well, she wasn't called a "secretary," but I

13 would say it would be Faith is her assistant.

14 Q. Okay. Did you ever see Kieran do anything

15 clerical?

16 A. No.

17 Q. Did you ever see Krista do anything clerical?

18 A. No. As a matter of fact, Kathy had Krista

19 give me her typos to fix and copying to do. So she

20 had Krista giving me some clerical work.

21 Q. Did you ever see Kathy Angelucci doing

22 anything clerical?

23 A. No.

24 Q. Did you ever see Barbara Davidson do anything

25 clerical?

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1 A. No. She doesn't work anywhere near me. She

2 worked two floors below me; so I didn't see her do

3 anything ever.

4 Q. Okay.

5 A. She's the Director of Human Resources.

6 Q. Was there anyone besides the people you've

7 just identified you ever observed also doing some

8 clerical work, either Xeroxing, hole punching,

9 anything else as the job required?

10 A. Not really. There were editors behind me that

11 were sitting there, editing. I didn't particularly

12 see anybody -- oh, there was some production

13 assistants, these young girls. They used to do a lot

14 of copying and things.

15 Q. And who were they?

16 A. I don't remember their names. They were --

17 most of them were in their twenties. I'm trying to

18 think of their names. There was one little girl with

19 the black hair. I don't remember their names.

20 Q. Okay. So the young girls in their twenties

21 did copying. You did some. Faith did some. Debbie

22 did some?

23 A. Right.

24 MR. JENNINGS: Objection to form.

25 THE WITNESS: Right. You know, I really

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1 can't say that other people did not do any clerical

2 work, but I didn't see them. We're in cubbies, you

3 know, with -- I guess they would go to the copy room.

4 I don't see the relevancy of this, but yes.

5 BY MS. KIVITZ:

6 Q. Okay. Now, at some point you had an

7 opportunity to have permanent work at National Board.

8 Can you describe to us what happened?

9 A. Kathy decided to hire me permanently because I

10 was such a good worker, never was late, came in on

11 time, had no problems with anyone, and she liked me.

12 Q. Did you like her?

13 A. In the beginning.

14 Q. When did your feeling change?

15 A. You know, she would intermittently exclude me

16 out of things that I was supposed to be doing in my

17 job description and just give me more menial work.

18 Q. Okay. But my question is: When would you say

19 your transformation occurred? When did you start to

20 feel that way is what I'm trying to pinpoint?

21 A. Probably pretty close towards the end after I

22 had done all this technical work for her and I had

23 tried to apply for a more technical position. And she

24 kept putting me down, telling me that, you know, my

25 education was outdated and I was older and all this.

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1 So I just, you know -- she was
2 insulting. She insulted me once in front of someone.
3 She didn't give me hardly any work to do. I was
4 mostly on things that I produced myself, and I was
5 standing there with Christine --

6 Q. Can I just direct you back for one second?

7 A. Uh-huh.

8 Q. I'm just trying to ask you around when you
9 felt that it changed. Just give me a month or a time.

10 A. I can't do that because she -- you know, she
11 would intermittently just do things that were just
12 kind of, you know, belittling.

13 Q. Okay. But when would say it was the first
14 time you ever felt belittled?

15 A. I was trying to tell you. Christine DeRucci
16 (phonetic) was standing there, and she said -- she
17 brought an Excel chart over to me for me to fix. And
18 she said, "Here, why don't you do something useful for
19 a change?" She said it in front of another employee
20 when I was always coming in there, asking her, "Do you
21 need any help with anything?"

22 Q. Okay. So let's try again. When was that?

23 A. I think it was around, like, the holidays.

24 Q. Which holidays?

25 A. You know, I really can't remember. I couldn't

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1 tell you. I mean, I was there for eighteen months.

2 And, you know, in the beginning, you know, I was
3 tolerating not really being given appropriate work.

4 And, you know, as I --

5 Q. Were you there for eighteen months?

6 A. I think so. It was September to September.

7 Sixteen months. Okay. So it -- was it sixteen
8 months? September, 2005, till September, 2006, and
9 then to December 1.

10 Q. All right. How many months is that?

11 A. I think it's sixteen. Is it sixteen? Okay.

12 Q. Okay. And you said that this Christine
13 DeRucci thing was around the holidays. Was it the
14 summer? Was it the fall?

15 A. I'm trying to remember. I seem to remember it
16 being -- maybe it wasn't around the holidays. I seem
17 to recall, like, it wasn't summer. Maybe in September
18 probably.

19 Q. All right. So around September --

20 A. I don't remember. I don't see what the
21 difference is when it was. I just remember her doing
22 it.

23 Q. Around September, '06?

24 A. Maybe. I'm not going to commit to it because
25 I can't really remember.

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1 Q. Okay. Is it true that you liked your job well
2 enough that you were willing to undertake permanent
3 work in December of '05?

4 A. That I liked my job well enough that I was
5 willing to take permanent work? I don't think it was
6 a matter of liking the job well enough. I needed a
7 job. I had three kids. They were paying my health
8 insurance. I mean, it wasn't my ideal situation
9 because I felt that I wasn't being included in what I
10 was -- you know, what was in my job description.

11 Q. Okay. Well, we just went over the August,
12 '05, job description, and you described things on the
13 job description that you were given to do; correct?

14 A. Couple things. Right.

15 Q. Okay.

16 A. A lot of them were my suggestions except for
17 one thing.

18 Q. Okay.

19 A. The one thing was the sign-in database. Kathy
20 asked me to do that.

21 Q. Okay. And then your job description was going
22 to change with your new permanent employment; correct?

23 A. Kathy and I made the job description together.

24 Q. Okay. Now, what was your new permanent
25 employment? What was your position called?

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1 A. She changed it to Test Development Program
2 Assistant.

3 Q. Okay. When you say "she changed it," you knew
4 the title of your permanent employment was Program
5 Assistant Test Development; correct?

6 A. Right. It was a new position. There had
7 never been anyone called that before.

8 Q. Okay. Do you remember what grade it was in
9 terms of salary?

10 A. Did it have a grade? Oh, no, I don't
11 remember.

12 Q. Okay.

13 A. I can't remember the way they did it. No, I
14 don't remember.

15 Q. Okay. How did it come to be that a new role
16 profile was going to be developed?

17 MR. JENNINGS: Objection to form.

18 You can answer.

19 THE WITNESS: How did it come to be? I
20 don't understand the question.

21 BY MS. KIVITZ:

22 Q. Okay.

23 A. So rephrase that.

24 Q. Okay. Was there a new role profile developed
25 for the new position Program Assistant Test

88

1 Development?

2 A. Yes. Kathy and I developed it together.

3 Q. Okay.

4 A. Well, it was mostly Kathy developing it.

5 Q. Okay. Well, who, between you and Kathy,

6 approached John Bird to get the ability -- in other

7 words, to get the ability to go on line and prepare a

8 role description?

9 A. I suppose Kathy did it. I couldn't do that.

10 Q. Who drafted the first draft of the role

11 profile?

12 A. Kathy.

13 MS. KIVITZ: Okay. I'll ask that this

14 be marked the next exhibit (indicating).

15 (Whereupon the Reporter marked an

16 on-line printout entitled "Role Profiles" as Exhibit

17 No. D-13 for identification.)

18 BY MS. KIVITZ:

19 Q. Have you ever seen this description on line

20 concerning role profiles at the National Board of

21 Medical Examiners?

22 A. I don't know what this is.

23 Q. Okay. Have you ever seen it?

24 A. I don't think so. What is it? It's some kind

25 of instruction on role profiles from --

90

1 Q. Okay.

2 A. I think that's because nobody made it past

3 being a temp. Or actually there were two permanent

4 people. I think they were also terminated by Kathy.

5 Q. Okay. Do you recall yourself ever going on

6 line and drafting or revising your role profile with

7 suggestions of what you thought it should encompass?

8 A. No. Me and Kathy sat down together -- or

9 Kathy and I sat down together, and she was totally in

10 control of everything that was going to be in that

11 role profile. I was not allowed to change anything

12 without her okay.

13 Q. Okay. Did you change things and give them

14 back to her for her okay?

15 A. Not really. It was kind of like a

16 collaborative effort -- the whole thing. You know, I

17 corrected some of the English in it, but basically

18 they were all Kathy's idea.

19 Q. And when would you say --

20 A. I did put the education in there. I said,

21 "Shouldn't that be a master's degree since that's what

22 I am?"

23 So she said, "Yeah. Okay. You can put

24 that in there."

25 Q. Okay. What other input did you have besides

89

1 Q. Correct.

2 MR. JENNINGS: The question was have you

3 seen it before?

4 THE WITNESS: I may have. It doesn't

5 really look that familiar.

6 BY MS. KIVITZ:

7 Q. Okay. Were you familiar with the idea that

8 role profiles are a work in progress?

9 A. I guess you can change anybody's job

10 description if you want to. Is that what you're

11 asking me?

12 Q. You were familiar with what a role profile

13 meant -- correct? -- that they were always at every

14 moment a work in progress?

15 A. No.

16 MR. JENNINGS: Objection to form.

17 THE WITNESS: No. I'm not familiar with

18 that, that, you know, one day she can tell me my role

19 is to take out the trash. No.

20 BY MS. KIVITZ:

21 Q. Okay. Now, you indicated that Test

22 Development Program Assistant was a new position that

23 had been created in December, '05; correct?

24 A. As far as I knew, I don't think the last three

25 people before me had that title.

91

1 master's degree?

2 A. She basically took a lot of the Test

3 Development Associate things, and she put some of

4 those in there. And then I think she added some kind

5 of thing about interaction with vendors and doing --

6 you know, reviewing office processes and trying to

7 make the office more efficient, that kind of thing,

8 which I think was also in the initial Test Development

9 Associate position when I first got there.

10 Q. How was a role profile published? Do you know

11 that?

12 A. How was it published? Yeah. It was an

13 on-line system where you would pull up a template and

14 then type it in and then....

15 Q. Okay. When you pulled up a template, would

16 the name of the last person who worked on it be

17 present on the template?

18 A. I don't think so. I have no idea really.

19 Q. Okay. Would the name of the person who

20 created the role profile, let's say, the primary

21 person -- would that name be on it?

22 A. I have no idea.

23 Q. In this particular case who pressed the button

24 to publish the role profile in December?

25 A. I don't know. Kathy had the option. She

92

1 could get into it as well as I could. If she went
 2 into it after I typed it for her, she could have. I
 3 can't really attest to that.

4 Q. Do you remember pressing the button to publish
 5 this role profile?

6 A. Do I remember pressing the button to publish?
 7 When Kathy told me to, I most likely did.

8 Q. Now, you said this was a collaborative effort
 9 and you met with Kathy.

10 A. Right.

11 Q. Did you meet with her in person to discuss
 12 this?

13 A. Yeah. Sitting in her office.

14 Q. How many times did you meet?

15 A. I don't remember. A few times.

16 Q. When?

17 A. When? I don't remember when. I mean, you
 18 could find that out. Just go on the network and see
 19 when it was published.

20 Q. Do you remember when you published it?

21 MR. JENNINGS: Objection to form.

22 THE WITNESS: Do I remember when I
 23 published it? Whenever Kathy told me to publish it is
 24 when I published it.

25 BY MS. KIVITZ:

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1 only perform tasks if they were specifically
 2 identified on your role profile?

3 A. That I could -- are you asking me if I could
 4 not perform tasks unless they were on my role
 5 profile?

6 Q. Correct.

7 A. That I could not perform tasks. I have no
 8 idea. Whatever Kathy would ask me to do I did.

9 Q. I'm going to ask you again, because I'm
 10 confused myself, what the role profile meant to you in
 11 terms of your ability to perform tasks or not perform
 12 tasks.

13 A. That I would be participating in test
 14 development and in procedures to improve the
 15 efficiency of test development such as making
 16 databases, participating in acquiring information for
 17 test development.

18 I'm trying to think. I was supposed to
 19 help with the budget. That never happened. What
 20 else? Since I never got to do any of the things, I
 21 don't really -- couldn't tell you because I was
 22 excluded from doing anything on there and basically
 23 wound up intermittently doing the databases or
 24 doing -- fixing typos for other people, Xeroxing for
 25 other people. I wasn't given the work that was on my

93

1 Q. My question is: Do you remember what month
 2 that was?

3 A. Let me think.

4 MR. JENNINGS: Objection to form.

5 THE WITNESS: I guess it had to have
 6 been before she hired me permanently. So it must have
 7 been in November or December. Wouldn't she have had
 8 to have the position in place before she hired me? I
 9 guess she did. So I guess it must have been, like,
 10 around Thanksgiving of 2005. Yeah, I think it would
 11 be around maybe in the winter.

12 BY MS. KIVITZ:

13 Q. Okay.

14 A. It had to have been before she hired me
 15 because she needed a title; so it must have been
 16 before December of 2005.

17 Q. Okay. Now, was it your understanding that you
 18 could only perform the jobs that were specifically
 19 stated on your role profile?

20 A. Say this again?

21 Q. What was your understanding concerning what
 22 the role profile meant?

23 A. "What the role profile meant?" I don't have
 24 it memorized. I'm not sure what you're asking me.

25 Q. Well, was it your understanding that you could

95

1 job description.

2 Q. Okay. Let me go back. What else was your
 3 understanding of what you were supposed to be doing
 4 besides making databases, participating in acquiring
 5 information for test development, and helping with the
 6 budget?

7 A. I was supposed to be helping with the flexible
 8 blueprinting at one point. And that wound up -- she
 9 downgraded it to me just editing stuff for someone
 10 else when I had actually gone through an entire
 11 tutorial that Kieran Hussie was working on.

12 I was supposed to be helping him with
 13 flexible blueprinting. They were producing a tutorial
 14 for it. And actually Krista gave me a tutorial that
 15 she said she wanted all these slides edited -- there
 16 were hundreds of them -- before Kathy got back in four
 17 days. And I did all that, took it home with me,
 18 worked on it at home.

19 And when Kathy saw that I edited it, she
 20 said, "You were only supposed to be doing cutting and
 21 pasting of other people's editing." And she threw it
 22 out and said, "No one can use it." So anything that I
 23 did of any substance Kathy kind of took away from me.

24 Q. I'm going to go back --

25 A. Because I had two bosses at this point. I had

96

1 Krista, and I had Kathy.

2 Q. Okay. Other than the items you've told me,

3 what else did you feel your job description did

4 encompass?

5 A. Did it or was it supposed to encompass? Are

6 you asking me what I thought I was supposed to be

7 given or what I was given?

8 Q. What you thought your role profile meant you

9 would be given.

10 A. I thought I would be participating in a lot of

11 the IT work that they were starting up in Test

12 Development such as the development of flexible

13 blueprinting.

14 Q. Okay. What else?

15 A. Dealing with vendors. I was supposed to be

16 more involved with vendors. When I say "vendors," I

17 mean client programs, contracts, that type of thing.

18 I was never involved with any of that.

19 You know, it was not supposed to involve

20 secretarial work such as fixing typos for people,

21 going to the copy machine, that type of thing. That

22 was not in my job description. There is nothing in my

23 job description for clerical work.

24 Q. Okay. Who did you feel should have been

25 fixing typos and going to the copy machine?

98

1 workers.

2 Q. Okay. So the production assistants, the

3 younger girls that you identified before --

4 A. They weren't all younger. I don't know how

5 old they were. I'm not going to say. I just said

6 they had less education and they had less skills and

7 they were hired as clerical workers.

8 Q. Okay.

9 A. That's what they called "production

10 assistants." As far as I know as to what those girls

11 would do, they were usually copying, hole punching,

12 and doing that type of labor.

13 Q. All right. So you felt that hole punching

14 should go to the production assistants and that Krista

15 and Kieran and Kathy Holtzman should be fixing their

16 own typos?

17 A. Kathy Angelucci.

18 Q. Okay. And Kathy Angelucci. The supervisors

19 and the other people there should have been fixing

20 their own typos and doing their own copies?

21 A. Right. I was not --

22 MR. JENNINGS: Objection to form.

23 THE WITNESS: I was hired to produce

24 work, not to fix other people's work. She didn't have

25 to hire somebody with a master's degree and two other

97

1 A. The people who produced the work.

2 Q. And who were they?

3 A. Who were they? Krista Allbee.

4 Q. Right.

5 A. Kieran.

6 Q. Right.

7 A. Whoever produced the work.

8 Q. Okay. So I just want to be clear, it wasn't

9 beneath you --

10 MR. JENNINGS: She was still trying to

11 answer the question.

12 You can finish your answer.

13 THE WITNESS: Also I was still required

14 to do hours of hole punching for the contracts. When

15 she said I was going to be involved in contracts, I

16 thought she meant I was going to be involved in the

17 producing of the contracts and dealing with the

18 vendors. Instead she just gave me filing of the

19 contracts and the hole punching of the annual reports.

20 BY MS. KIVITZ:

21 Q. Okay. And who do you mean by "she"?

22 A. Kathy Holtzman.

23 Q. Okay. Now, I just want to ask you: Who did

24 you think should be doing the hole punching?

25 A. The production assistants were the clerical

99

1 college degrees. You know, that was my understanding

2 that I was going to be involved in test production,

3 not involved in the clerical portion of it.

4 BY MS. KIVITZ:

5 Q. Okay. Now, you were aware that your title was

6 assistant -- program assistant; correct?

7 A. Test Development Program Assistant. Yes.

8 Q. Okay. And in your role at Penn and in your

9 role at Wistar as part of the team, you had also been

10 involved in tasks that required you to do copying and

11 hole punching and things of that nature; correct?

12 A. Yes. But so did my supervisors. They did it

13 along with us when we had a grant deadline.

14 Q. But you were also aware that copying and hole

15 punching and all that clerical stuff is necessary

16 often for the production of a final product?

17 A. Generally when I worked at Wistar and I was

18 assistant manager, I did not do that. The editorial

19 assistants did it.

20 Q. Okay. But you would agree with me that

21 somebody has to do it -- correct? -- for the

22 production of a final product?

23 A. Well, Kathy never did it. I never saw her do

24 any clerical work. Kathy Holtzman. And I never saw

25 Krista Allbee or Kathy Angelucci do any clerical work.

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1 It was basically me, Faith, and Debbie.
 2 Q. Okay. But am I correct that they were not
 3 program assistants? Isn't that right?
 4 MR. JENNINGS: Objection to form. Who?
 5 MS. KIVITZ: Kathy Holtzman and Kathy
 6 Angelucci.
 7 BY MS. KIVITZ:
 8 Q. They were not program assistants; correct?
 9 A. Well, I don't see what the difference is. If
 10 it wasn't in my job description and it's not in Kathy
 11 Holtzman's job description, then why couldn't she do
 12 it? Was it below her to do that? Was it below Kathy
 13 Angelucci to do that? Was it below Krista, who was
 14 only thirty years old and had five years of job
 15 experience? Was it below her to do that? Why was she
 16 giving it to me?
 17 Q. So you thought the role profile was a work in
 18 progress; correct?
 19 A. Supposedly, yes.
 20 Q. Okay. And you also thought and have told me
 21 that your position was the first of its kind;
 22 correct?
 23 MR. JENNINGS: Objection to form.
 24 THE WITNESS: There is another program
 25 assistant, but it's not in Test Development.

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1 database.
 2 Q. Okay.
 3 A. And she allowed me to do that. And then the
 4 only thing that she really gave me, which was on par
 5 with what I should have been doing, was making the
 6 sign-in databases.
 7 Q. Okay. What else? Again I'm going to ask you
 8 what else you did that you felt was included in your
 9 job description and not beneath you.
 10 MR. JENNINGS: Objection to form.
 11 THE WITNESS: I did editing of the
 12 tutorial. There were bubbles on the tutorial for the
 13 physicians to read as they went through. It was a
 14 tutorial to teach them how to use the flexible
 15 blueprinting.
 16 And I spent hours and hours editing it
 17 even though Kathy got angry at Krista for allowing me
 18 to do that and wouldn't let anybody use it. Although
 19 I did see afterwards that they had used some of my
 20 editing and called it their own.
 21 BY MS. KIVITZ:
 22 Q. Okay. But you would agree with me also that
 23 Kathy Holtzman was your boss; correct?
 24 A. She was my boss and so was David and
 25 apparently so was Krista but not officially. But they

101

1 BY MS. KIVITZ:
 2 Q. Okay. So the Test Development Program
 3 Assistant was new; right?
 4 A. As far as I know. I don't know if they had
 5 one previous years before me, but as far as I know,
 6 that was the only one at that time with that title.
 7 Q. Okay. Ms. Rosetsky, is it your position that
 8 someone had to change the role profile every single
 9 time you did a task that wasn't specifically
 10 identified?
 11 A. No. But I wasn't given any other work in my
 12 job description. I was just being given clerical
 13 work.
 14 Q. Okay. Now, didn't you previously testify to
 15 other work you were given that was included in your
 16 job description?
 17 A. Well, actually the cataloging of the slides,
 18 which is sort of like clerical work -- I suggested
 19 that it be made into a database.
 20 And she said, "Go ahead and do it if you
 21 have -- you know, if there's nothing else for you to
 22 do, and, you know, if you have nothing else to do,
 23 then you can work on it."
 24 And that's what I did. I turned it into
 25 what could have been making card files into building a

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1 were all giving me things to do.
 2 Q. Okay. But the person you directly reported to
 3 was who?
 4 A. It was Kathy and Dave.
 5 Q. All right.
 6 A. I guess it was Kathy. I mean, I was supposed
 7 to be doing stuff for Dave also. I did do some things
 8 for him. He gave me some research to do in the
 9 library a little bit for him.
 10 Q. Okay. And isn't it true that you were upset
 11 that Kathy edited edits that you had done?
 12 A. No.
 13 Q. Okay.
 14 A. Kathy was upset that I edited her edits.
 15 Q. Isn't it true that you were so upset that
 16 Kathy Holtzman had edited your work that you went to
 17 complain to Barbara Davidson?
 18 A. No. What I went to complain to Barbara
 19 Davidson about was that I had taken work home with me
 20 because Krista had given me a time limit, before Kathy
 21 got back, to edit hundreds of slide tutorials. And
 22 then after I finished editing it, Kathy came back and
 23 was yelling at Krista for allowing me to do that even
 24 thought I was way more qualified than the other people
 25 that were editing it because I have an English degree

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1 and I've had formal editing courses.

2 Kathy was mad that I'd been given the

3 work, and she wrote me an e-mail where she said to me,

4 "You were only supposed to be cutting and pasting

5 other people's editing," like I was supposed to be

6 fixing typos and then cutting and pasting it into the

7 tutorial.

8 As a matter of fact, I had to learn

9 something called "Captivate." And that was another

10 thing. She had me learn three or four different

11 programs while I was there: Microsoft Project,

12 Captivate, End Note.

13 She would say, "Can you learn this? Can

14 you learn that?" I picked up each one, and I learned

15 it like that, like that, like that (snapping fingers).

16 And --

17 Q. Well, was that in your job profile?

18 MR. JENNINGS: She was in the middle of

19 answering.

20 BY MS. KIVITZ:

21 Q. Was that included in your role profile?

22 MR. JENNINGS: No. Please let her

23 complete her answer.

24 THE WITNESS: Microsoft Project she --

25 when she hired me, she said, "Can you learn it?"

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1 Holtzman edited it, she yelled at Krista?

2 A. She yelled at Krista for giving me substantial

3 work to do. She just wanted me to do the clerical

4 portion of it, which was cutting and pasting. And

5 actually I took the editing that I did, and I showed

6 it to some of the editors and then showed her what

7 Kathy was -- before I was editing Kathy.

8 Kathy wasn't editing me; I was editing

9 what Kathy had put. They said that mine was far

10 superior to hers and that -- and I told Kathy that.

11 And I said, "This is how you do journalistic editing,"

12 because she didn't have the skills. But everybody was

13 afraid of her. So, you know, that was kind of....

14 Q. So you felt you were a better editor than

15 Kathy?

16 A. Oh, definitely. She doesn't have any

17 training.

18 Q. Okay.

19 A. And I have the examples of it, and I showed

20 her, you know, this is -- instead of saying something

21 in twenty words, you can say it in seven.

22 Q. Okay. And even though Kathy was seven years

23 older than you, you felt that your experience was

24 better than hers in editing?

25 MR. JENNINGS: Objection to form.

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1 I said, "Yes."

2 Oh, and that was another thing that

3 happened, if you want me to go into that, where I set

4 up sixteen Microsoft Projects. And Kathy was in a

5 fight with IT because she was afraid of using it, and

6 she canned it after I did all that work.

7 BY MS. KIVITZ:

8 Q. Ms. Rosetsky, listen to this question.

9 A. Okay.

10 Q. Learning Captivate and Microsoft Project and

11 End Note -- was that within your role profile?

12 A. Was it within my role profile? Yes.

13 Q. Okay.

14 A. Not exactly those programs, but it kind of

15 said, "Ability to review new applications and decide

16 if they could be used in Test Development."

17 Q. Okay.

18 A. And I did that in a limited amount. And after

19 doing a lot of work for it, Kathy kind of just canned

20 it.

21 Q. Okay. Now, you also said that the reason you

22 complained to Barbara Davidson is Krista had given you

23 a time limit?

24 A. Right.

25 Q. And then after you did the work and Kathy

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1 THE WITNESS: It has nothing to do with

2 age.

3 BY MS. KIVITZ:

4 Q. Why does it have nothing to do with age?

5 A. At that point with the editing, it had to do

6 with my training. I just felt the overall way she was

7 treating me was because I was older and I had come

8 back to work from being home with my kids. And she

9 told me that my education is old and that I'm older

10 and I should be satisfied, you know, that she gave me

11 a chance to be working and all this.

12 And it was the same thing with Faith and

13 Debbie. They both had tried to apply for promotions

14 and were turned down. We were all the same age, and

15 we were all kept doing clerical work.

16 Q. Okay. Let me ask you this: Did you think

17 that the fact that Kathy Holtzman had worked at the

18 National Board for so many years had qualified her at

19 all to do editing the way the National Board perhaps

20 wanted it done?

21 MR. JENNINGS: Objection to form.

22 THE WITNESS: Did I think that she was a

23 good editor because she worked for that long?

24 BY MS. KIVITZ:

25 Q. Do you think Kathy Holtzman had more

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1 experience than you at the National Board of Medical
2 Examiners?

3 A. Did she have more experience at the Board?

4 Yes. But did she have more experience or was she a
5 good editor? I don't think that qualified her.

6 There's something called the "Peter Principle." I
7 won't go into that but....

8 Q. What is the Peter Principle?

9 A. That people will be promoted to the point of
10 their incompetence.

11 Q. So your understanding was what?

12 A. That Kathy -- people were very intimidated by
13 her, the way that she -- you know, they had an
14 executive coach come in for her.

15 Q. I'm sorry. What did you mean by -- I don't
16 understand your reference to Peter Principle. Who was
17 promoted?

18 A. Just because you're at the job for a length of
19 time, you know, does not mean that you're doing it
20 right. I mean, who knows why you're promoted? You
21 know, there's different reasons. We all know how
22 corrupt this country is if you want me to go into it.
23 You know, corruption takes place.

24 You know, I'm not going to say that
25 she's in the position that she was in because she was

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1 the best person for the job. I mean, apparently --
2 you know, I never said any of this to Kathy. I just
3 kept my mouth shut.

4 But she had an executive coach come in
5 by the name of -- her first name was Kenny
6 (phonetic) -- because apparently they had had issues
7 with her before discriminating against people and, you
8 know, inappropriate behavior.

9 Q. What did you mean by the Peter Principle
10 concerning Kathy Holtzman?

11 A. What I mean concerning it? I just stated it.
12 Peter Principle is a saying that people will be
13 promoted in the point of their incompetence. Like,
14 say you were at one level, but then you were promoted
15 to the next level. You may have been good at the one
16 level, but when you got to the next level, you were
17 above your head.

18 Q. Okay. So did you feel that Kathy Holtzman was
19 incompetent?

20 A. I felt in certain areas. Like, she knew a lot
21 about Test Development. She didn't know anything
22 about IT, and she resented IT. She had a lot of
23 battles with the IT Department that she put me in the
24 middle of because, as a lot of people are -- there's,
25 like, a dichotomy right now between the people that

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1 can deal with computers and those that won't.

2 And Kathy was one of those that, you
3 know, she's always calling me into her office to ask
4 me, "How do you do this? How do you do that?" with
5 Microsoft Word and things like that. And she really
6 was not a technology person. So in that respect, you
7 know, she was good at some things, and some things she
8 wasn't.

9 But she was -- she just wanted to be,
10 you know, controlling and keep everyone in their
11 place. And in order to control people, she found that
12 the younger people were easier to control. I mean,
13 she had young patsies all around her.

14 And when people were, you know, older
15 like Faith and Debbie and I, she did not want to deal
16 with the older people being in any kind of position to
17 make decisions.

18 Q. So who were the young patsies, in your words?

19 A. Kathy Angelucci and especially Krista Allbee,
20 who went from being a production assistant to being
21 director of the department in five years. And she
22 didn't even live -- she lived in Chicago; so she was
23 telecommuting, which was really hard on everybody.

24 But Kathy somehow bullied, you know,
25 Melnick into letting her do this. Who knows? Maybe

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1 they had an affair thirty years ago. I have no idea.
2 As my friend always says, maybe she had pictures. I
3 don't know how all this went about, but it was all the
4 young people that were promoted.

5 Q. So you believe that Kathy Holtzman felt that
6 she could control the younger people but not someone
7 like you?

8 A. I think that she felt more competent in ruling
9 over the younger people.

10 Q. And did you believe that Kathy couldn't
11 control you because of your age or because of the
12 strength of your personality?

13 A. I think it was not a matter of trying to
14 control me. She didn't want to give me any position
15 where I would be in a meeting to be heard by anyone
16 else because, you know....

17 Q. "Because" why?

18 A. Because of my age. Because I had more life
19 experience in general. And then these young kids
20 would just sit there, and they were very intimidated
21 by her. I was not intimidated by Kathy.

22 Q. And are you saying that was because of your
23 age or that was because of the strength of your
24 personality?

25 A. I would say it was because we were -- you

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1 know, at peer level. Something that you gain with
 2 age. You gain confidence with age.
 3 Q. Okay. Do you consider yourself a very
 4 confident person?
 5 A. Yes.
 6 Q. Do you consider yourself a strong person?
 7 A. Yes.
 8 Q. Okay. Now, do you recall, when you received a
 9 letter hiring you permanently for the Test Development
 10 Program Assistant, you received another letter from
 11 Meredith Friedman? a separate letter?
 12 A. I don't recall.
 13 MS. KIVITZ: Okay. I'll ask that that
 14 be marked (indicating).
 15 (Whereupon the Reporter marked a letter
 16 dated December 16, 2005, to Diane Rosetsky from
 17 Meredith Friedman as Exhibit No. D-14 for
 18 identification.)
 19 BY MS. KIVITZ:
 20 Q. Do you recall --
 21 A. Yes.
 22 Q. -- still being bound by the confidentiality
 23 agreement?
 24 A. Do I recall?
 25 Q. Agreeing that you were still bound?

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1 me.
 2 Q. Okay. And do you know why he sent it to you?
 3 A. Because he knew I wasn't getting along with my
 4 supervisor. This was in November. He sent it as a
 5 joke.
 6 Q. Okay. Do you know where he sent it from?
 7 A. He probably sent it from his store.
 8 Q. Okay. And you received this at National
 9 Board?
 10 A. Yes.
 11 Q. And what did the story reference?
 12 A. A computer technician shot his -- killed his
 13 supervisor before taking his own life in -- what state
 14 is this? I don't know. Wherever it's from. I don't
 15 know where he got it.
 16 Q. Okay. Now, you said he sent it to you as a
 17 joke?
 18 A. Uh-huh.
 19 Q. How do you know that? Did the two of you
 20 discuss this?
 21 A. No. Did I discuss it was a joke? Well,
 22 obviously, for him to send me something like this was
 23 a joke.
 24 Q. Okay. Now, he sent this late November, 2006?
 25 A. It looks like it. November 29, 2006. No.

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1 A. I assumed that I was bound by it.
 2 Q. Okay. And do you recall also agreeing that
 3 you were still an employee at-will, that this was not
 4 considered a contract?
 5 A. Right. Uh-huh.
 6 Q. Okay. And you signed that? That is your
 7 signature on this document?
 8 A. Yes.
 9 Q. Okay. All right. I'm going to ask you about
 10 an incident, Ms. Rosetsky, and then I'm going to go
 11 back to some of the legal pleadings in the case, and
 12 then I'm going to try to finish with a few e-mails and
 13 get you out of here. All right?
 14 A. Okay.
 15 MS. KIVITZ: Let me mark that
 16 (indicating).
 17 (Whereupon the Reporter marked an e-mail
 18 dated November 29, 2006, to Kathy Holtzman from Faith
 19 Balsama as Exhibit No. D-15 for identification.)
 20 BY MS. KIVITZ:
 21 Q. Can you take a look at that?
 22 A. (Complying.)
 23 Yes, I recognize it.
 24 Q. Okay. Can you tell me what this is?
 25 A. It's a newspaper article that my husband sent

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1 No. Faith sent it. That was after Kathy called Faith
 2 into her office. Kathy started calling people into
 3 her office and telling them not to talk to me after I
 4 went down to HR in October.
 5 Q. Okay. I appreciate that. But I'm trying to
 6 focus you on this article.
 7 A. Uh-huh.
 8 Q. Do you remember when your husband forwarded it
 9 to you?
 10 A. Whenever the network has it. They have
 11 everything on the network, and they can tell you that.
 12 I don't remember.
 13 Q. Okay. Now, when you received this from your
 14 husband, did you think it was funny?
 15 A. I called him, and I said, "Don't send me
 16 anything like this to work." I wasn't happy that he
 17 did it.
 18 Q. What did you do with it?
 19 A. What did I do with it? I sent to Debbie, and
 20 I said, "This is -- my husband has nothing else to do.
 21 He always tells me he's so busy."
 22 Q. Did you send it to Faith Balsama or to Debbie
 23 Shelmire?
 24 A. I think I just sent it to Debbie, who may have
 25 sent it to Faith.